

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOHN VENIZELOS, #80556-053,</b>	:	<b>CIVIL ACTION NO. 3:19-CV-1219</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>D.H.O. BITTENBENDER, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 30th day of December, 2020, upon consideration of the report (Doc. 31) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court dismiss the above-captioned action *sua sponte* for failure to state a claim for which relief may be granted pursuant to 28 U.S.C. § 1915A(b)(1) and 42 U.S.C. § 1997e(c)(1), and it appearing that plaintiff has not objected to Judge Saporito's recommendation of dismissal, see FED. R. CIV. P. 72(b)(2), and the court noting that failure to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to "satisfy itself that there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court

agreeing fully with Judge Saporito's analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. Magistrate Judge Saporito's report (Doc. 31) is ADOPTED.
2. Plaintiff's complaint (Doc. 1) is DISMISSED for failure to state a claim for which relief may be granted. Given the legal deficiencies in plaintiff's claims and plaintiff's failure to respond defendants' pending motion to dismiss or to other court orders, leave to amend is DENIED as futile.
3. Defendants' motion (Doc. 25) to dismiss or in the alternative for summary judgment is DENIED as moot.
4. Any appeal from this order is deemed to be frivolous and not taken in good faith. See 28 U.S.C. § 1915(a)(3).
5. The Clerk of Court shall close this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania